

REPORT AND RECOMMENDATION

Plaintiff's complaint contains no allegations regarding jurisdiction. The federal courts are of limited jurisdiction. They possess only that power authorized by the Constitution and federal statutes. *See Willy v. Coastal Corp.*, 503 U.S. 131, 136-37 (1992); *United States v. Lucido*, 612 F.3d 871, 873 (6th Cir.2010). The district court has the obligation to raise a lack of

subject-matter jurisdiction on its own motion. *See Gonzales v. Thaler*, 132 S. Ct. 641, 648 (2012); *Vander Boegh v. Energy Solutions, Inc.*, 772 F.3d 1056, 1064 (6th Cir. 2014); *see also Freeland v. Liberty Mut. Fire Ins. Co.*, 632 F.3d 250, 253 (6th Cir. 2011) (raising jurisdiction *sua sponte* and directing the lower court to dismiss the action because it was “exactly one penny short of the jurisdictional minimum of the federal courts”). Diversity jurisdiction under 28 U.S.C. § 1332 is not available because all parties are Michigan residents. It has always been the law that complete diversity is required; that is, all plaintiffs must be of different citizenship from all defendants. *See City of Indianapolis v. Chase Nat’l Bank*, 314 U.S. 63, 69–70 (1941); *Strawbridge v. Curtiss*, 7 U.S. 267 (3 Cranch) (1806); *Peters v. Fair*, 427 F.3d 1035, 1038 (6th Cir. 2005). Section 1331 creates federal jurisdiction for civil actions “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. “It is long settled law that a cause of action arises under federal law only when the plaintiff’s well-pleaded complaint raises issues of federal law.” *Metro. Life Ins. Co. v. Taylor*, 481 U.S. 58, 63 (1987). Here, plaintiff has not cited, nor can the undersigned discern from the facts alleged in the complaint, any federal statutory or constitutional provision that applies to give rise to an actionable claim for relief against defendants.

Recommended Disposition

For the foregoing reasons, I recommend that plaintiff’s complaint be dismissed for lack of subject-matter jurisdiction.

Dated: February 23, 2015

/s/ Phillip J. Green

United States Magistrate Judge

NOTICE TO PARTIES

Any objections to this Report and Recommendation must be filed and served within fourteen days of service of this notice on you. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b). All objections and responses to objections are governed by W.D. MICH. LCIVR 72.3(b). Failure to file timely and specific objections may constitute a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Keeling v. Warden, Lebanon Corr. Inst.*, 673 F.3d 452, 458 (6th Cir. 2012); *United States v. Branch*, 537 F.3d 582, 587 (6th Cir. 2008). General objections do not suffice. *See McClanahan v. Comm’r of Social Security*, 474 F.3d 830, 837 (6th Cir. 2006); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596-97 (6th Cir. 2006).